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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,066	01/17/2002	David Walker	LABIT-1	5563

1218 7590 10/08/2004

CASELLA & HESPOS
274 MADISON AVENUE
NEW YORK, NY 10016

EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,066

Applicant(s)

WALKER ET AL.

Examiner

Robert M. Pond

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NW

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-20 are rejected under 35 USC 103(a) as being unpatentable over TradeCard (a collection or prior art cited in PTO-892, Items: U-W and patent number 5,717,989), in view of PR Newswire (PTO-892, Item: X hereinafter referred to as 'PRN').**

TradeCard teaches TradeCard receiving US Patent 5,717,989 (US Patent 5,717,989 is hereinafter referred to as "Tozzoli") (U: please see page 2).

TradeCard teaches a system and method of conducting international trade between buyers, sellers, funders, and third-party service providers connected electronically to a computer-based trade system using industry networks, third-

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party networks using EDI (V: see pages 1-3; Tozzoli: see at least abstract; Fig. 4; col. 4, lines 50-55). TradeCard teaches conducting business over the Web, XML as the technical underpinning which TradeCard leverages to organize and store data from incompatible systems, BEA WebLogic Java server for business logic (W: see pages 1-2). TradeCard teaches buyer and sellers providing input information, requesting quotations, responding to quotations, matching buyers and sellers. TradeCard further teaches:

- Providing software applications created for export/import trade: (Tozzoli: see at least Fig. 4; Fig. 5; col. 4, lines 50-62).
- Providing Pro Forma purchase order; pro forma invoice: purchase order/pro forma invoice (POPFI) (V: see at least page 3).
- Providing an ASP environment:

TradeCard teaches all the above as noted under the 103(a) rejection and teaches an international trade system that supports cross-border negotiations and trade and further teaches a trade system hosted on a web server, but does not disclose an ASP environment. PRN further teaches Comerica's alliance with Derivion, wherein Comerica will offer Derivion, an application service provider, with Derivion's inetBiller solution (please note: Comerica is outsourcing this functionality to an ASP). PRN teaches TradeCard's alliance with Comerica, the first banking company to offer TradeCard as an alternative to current international trade payment mechanisms (please note examiner's interpretation: Comerica is

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outsourcing to TradeCard as it does with ASP Derivion) (X: see pages 1-2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of TradeCard to disclose an ASP environment as taught by PRN, in order to convey alternatives means for accessing an international trade system through a banking company, and the thereby attract banking customers desiring to conduct international trade.

Pertaining to system Claims 1-3 and 12-20

Rejection of Claims 1-3 and 12-20 is based on the same rationale as noted above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

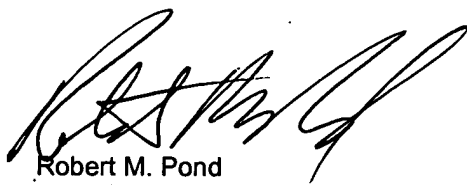
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Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.



Robert M. Pond
Patent Examiner
September 30, 2004